

EXHIBIT C

HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

James Hayden,)

Plaintiff,)

VS .

2K Games, Inc. and Take-Two)

Interactive Software, Inc.,)

Defendants.)

— — — — —

Deposition of:

IAN BOGOST, Ph.D.

Appearing Remotely from
St. Louis County, Missouri

* * HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER * *

August 30, 2021

10:00 a.m.

Reporter: Kristin Wegryn, RMR, CRR

Appearing Remotely from
Cuyahoga County, Ohio

HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Page 21

1 maximum size of 2,730 kilobytes.

2 Q. And he verified that?

3 A. That's correct.

4 Q. Did he say what the basis of his
5 verification was?

6 A. No.

7 Q. Did you personally ever review the
8 texture files that your sentence references?

9 A. I believe that the texture files are
10 included there, a lot of them as an exhibit or as
11 other evidence in the case; however, the, the
12 specific files themselves as they would appear in
13 the game program are not the same as the format
14 that they take when they're entered into, into
15 evidence or provided in your and the other
16 counsel's legal communications.

17 Q. So are the texture files that you are
18 alluding to in your last response the images that
19 appear in your expert report? Is that what you
20 meant?

21 A. Well, there are a number of images in my
22 report. Not all of the images in my report are
23 texture files.

24 Q. Are the texture files that are in your
25 report those that your previous response

HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Page 28

1 A. I, I would clarify that I know that that
2 information was communicated to me from the
3 developers. The means by which I received it is
4 what I can't tell you sitting here today.

5 Q. When you say "the developers," who does
6 that mean?

7 A. Representatives of Take-Two. I mean
8 Take-Two.

9 Q. What representatives of Take-Two?

10 A. I'm not sure how, how to answer. I was
11 interested in this information in the preparation
12 of my report. I, I requested it and received and
13 incorporated it.

14 The, the organizational structure of a
15 large company such as Take-Two or 2K Games wasn't
16 of particular concern to me so long as I received
17 the information I was after.

18 Q. Was the information communicated to you
19 by counsel?

20 A. As I said before, I can't tell you
21 sitting here today the means by which this
22 information was conveyed to me.

23 Q. When were you first engaged in this
24 matter, Dr. Bogost?

25 A. Are you asking when I -- when I signed a